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EXAMINER	
ALMEIDA, DEVIN E	
ART UNIT	**PAPER NUMBER**
2132	
MAIL DATE	**DELIVERY MODE**
12/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,350	WINKLER ET AL.	
	Examiner	Art Unit	
	Devin Almeida	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the papers filed 11/05/2007. Claims 1-23 were received for consideration.

Response to arguments

Applicant's arguments with respect to claim 1 and 12 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., where no modification can occur between validation and storage) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments with respect to claim 2 and 13 have been fully considered but they are not persuasive. Kinnis teaches wherein in said integrated validation and storing process said message is stored and said signature is validated within one atomic process on page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store.

Applicant's arguments with respect to claim 3 have been fully considered but they are not persuasive. Kinnis teaches wherein in said integrated validation and storing process said message is stored and said signature is validated within one atomic process on page 15 lines 8-15 i.e. if the document is not verified through the digital

signature, the document and the signature are not stored in a persistent data store such as data store.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/20/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8, 10, 12, 13, 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinnis (WO 01/13574). With respect to claim 1, a method for validating a message with a signature, wherein said method comprises: receiving said message with said signature (see page 15 lines 19-24 i.e. The digital signature service receives the signature file. The certificate, document and signature are extracted from the signature file.); and carrying out an integrated validation and storing process, wherein said signature is validated based on a validation algorithm (see page 16 line 11 – page 17 line 9 i.e. message digest) and a key (see page 16 line 11 – page 17 line 9 i.e. certificate's public key) and said received message is stored in a database (see page 15

lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 2, wherein in said integrated validation and storing process said message is stored and said signature is validated within one atomic process (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 3, wherein the storing process is rolled back, if the signature is not valid (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 4, wherein the storing process is completed, if the signature is valid (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 7, wherein the integrated validation and storing process is carried out by said database (see figure 1 element 100 Digital Signature Service and page 15 line 7 – page 17 line 9).

With respect to claim 8, wherein the integrated validation and storing process is controlled by said database (see figure 1 element 100 Digital Signature Service and page 15 line 7 – page 17 line 9).

With respect to claim 10, wherein said signature is a digital signature (see page 15 line 7 – page 17 line 9).

With respect to claim 12, a method for generating a signature for a message, wherein said method comprises: carrying out an integrated receiving and generating process, wherein said message to be sent is received and said signature is generated based on a signing algorithm (see page 12 line 23 – page 15 line 5 i.e. message digest) and a key (see page 12 line 23 – page 15 line 5), and sending said message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient).

With respect to claim 13, wherein in said integrated receiving and generating process said message to be sent (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient) is received (see page 15 lines 19-24 i.e. The digital signature service receives the signature file) and said signature is generated (see page 12 line 23 – page 15 line 5).

With respect to claim 18, wherein said integrated receiving and generation process is carried out in a database (see figure 1 element 100 Digital Signature Service and page 15 line 7 – page 17 line 9), where said message to be sent is stored (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 19, wherein said signature is a digital signature (see page 15 line 7 – page 17 line 9).

With respect to claim 22, An apparatus for validating a message with a signature, wherein said apparatus comprises: a first means for receiving said message with said signature (see page 15 lines 19-24 i.e. The digital signature service receives the signature file. The certificate, document and signature are extracted from the signature file.); and a second means for carrying out an integrated validation and storing process, wherein said second means are capable and affected to validate said signature based on a validation algorithm (see page 16 line 11 – page 17 line 9 i.e. message digest) and a key (see page 16 line 11 – page 17 line 9 i.e. certificate's public key) and to store said message (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700).

With respect to claim 23, An apparatus for generating a signature for a message, wherein said apparatus comprises: means for carrying out an integrated receiving and generating process, wherein said means are capable and affected to receive said message to be sent and to generate said signature based on a signing algorithm (see page 12 line 23 – page 15 line 5 i.e. message digest) and a key (see page 12 line 23 – page 15 line 5); and means for sending said message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, 11, 14, 15, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Slaughter (U.S. 6,643,650). Kinnis teaches everything with respect to claim 1 above but does not teach with respect to claim 5, wherein said received message is locked before the integrated validation and storing process is carried out and released after the integrated validation and storing process has been finished. Slaughter teach using a ACID transaction wherein said received message is locked before the integrated validation and storing process is carried out and released after the integrated validation and storing process has been finished (see Slaughter column 45 line 63 – column 46 line 12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 6, wherein said received signature is locked before the integrated validation and storing process is carried out and released after the integrated

validation and storing process has been finished (see Slaughter column 45 line 63 – column 46 line 12).

With respect to claim 11, wherein said integrated validation and storing process is carried out as an ACID transaction. Slaughter teaches wherein said integrated validation and storing process is carried out as an ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 14, wherein said message to be sent is locked before the integrated receiving and generating process is carried out and released after the integrated receiving and generating process has been finished (see Slaughter column 45 line 63 – column 46 line 12).

With respect to claim 15, wherein said key to be used for generating the signature is locked before the integrated receiving and generating process is carried out and released after the integrated receiving and generating process has been finished (see Slaughter column 45 line 63 – column 46 line 12).

With respect to claim 17, wherein said integrated receiving and generating process is carried out as an ACID transaction (see Slaughter column 45 line 63 – column 46 line 12).

With respect to claim 20, Kinnis teaches the method for validating a message with a signature, wherein said method comprises: receiving said message with said signature (see page 15 lines 19-24 i.e. The digital signature service receives the signature file. The certificate, document and signature are extracted from the signature file.); sending a request to a security device (page 12 line 23 – page 13 line 3); validating said signature in said security device (see figure 7 digital signature service and page 15 lines 16-24 i.e. the digital signature service verifies that the signature is from a trusted certificate authority); and storing of said message in response to the result of the validation (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700). Kinnis does not teach starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). Slaughter teaches starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 21, Kinnis teaches the method for generating a signature for a message, wherein said method comprises: acquiring said message to be signed

(page 12 line 23 – page 13 line 3); sending a request to a security device (see figure 5 digital signature service and page 12 line 23 – page 13 line 3); generating said signature for said message in said security device (see page 12 line 23 – page 15 line 5); and sending said message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient). Kinnis does not teach starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). Slaughter teaches starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Dickinson et al (U.S. 6,853,988). Kinnis teaches everything with respect to claim 1 above but does not teach with respect to claim 9, wherein said message is an XML-document. Dickinson teach wherein said message is an XML-document (see Dickinson column 27 lines 16-25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains to have wherein said message is an XML-document since XML documents advantageously allow designers to create their own customized document tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organizations (see column 9 lines 38-61). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 16, wherein said message is an XML-document (see Dickinson column 27 lines 16-25).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-

1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida
Patent Examiner
11/29/2007

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